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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BLENDTEC INC., a Utah corporation,

Plaintiff,

vs.

BLENDJET INC., a Delaware corporation,

Defendant.

**SEVENTH STIPULATED MOTION
TO AMEND SCHEDULING ORDER**

Civil No. 2:21-cv-00668-TC-DBP

Judge Tena Campbell

Magistrate Judge Dustin B. Pead

Pursuant to Fed. R. Civ. P. 16(b)(4), and for good cause, Plaintiff Blendtec Inc. (“Blendtec”) and defendant BlendJet Inc. (“BlendJet”), through counsel, hereby stipulate and jointly move the Court to modify the Court’s October 3, 2024 Sixth Amended Scheduling Order (ECF No. 197).

Since entry of the Sixth Amended Scheduling Order, BlendJet has experienced a significant corporate event and its assets have been the subject of a transaction that will likely impact the future course of this case. Specifically, Blendjet represents that on January 13, 2025, BlendJet’s assets – including the trademarks at issue in this matter – were the subject of a foreclosure sale under Article 9 of the UCC conducted by BlendJet’s senior secured lender, resulting in the transfer of those assets to a new assignee.

Under the current schedule, the discovery cutoff is set for the end of February and expert reports are due in mid-March. The foregoing transaction will significantly affect the conduct of this case, and the parties require additional time to evaluate their respective positions as to the future course of this matter. Accordingly, the parties request an extension of time to conclude fact and expert witness discovery, with an equivalent extension of other case deadlines.

The parties hereby stipulate and jointly move the Court to amend all remaining deadlines in the Scheduling Order as follows:

Date per Sixth Amended Scheduling Order (ECF 197)	Stipulated New Date	Event
February 13, 2025	May 9, 2025	Rule 26(a)(2) Expert disclosures (subject and identity of experts) – parties bearing the burden of proof
February 27, 2025	May 30, 2025	Close of fact discovery
February 27, 2025	May 30, 2025	Rule 26(a)(2) Expert disclosures (subject and identity of experts) – counter disclosures
March 18, 2025	June 20, 2025	Rule 26(a)(2) Expert Reports – parties bearing burden of proof
May 15, 2025	August 1, 2025	Rule 26(a)(2) Expert Reports – counter reports
June 25, 2025	August 29, 2025	Last day for expert discovery
July 25, 2025	October 24, 2025	Deadline for filing dispositive or potentially dispositive motions including <i>Daubert</i> motions to exclude expert testimony
July 31, 2025	November 24, 2025	Evaluate case for settlement/ADR

Although the deadline to serve written discovery has expired, Blendtec reserves the right to file a motion, if necessary, seeking leave to reopen the deadline to serve written discovery so

that it can seek additional limited discovery related to the significant events that have occurred after the deadline for serving written discovery expired.

If dispositive motions are filed and the district judge's ruling on those motions does not resolve the case, the parties shall file a request for a scheduling conference with the district judge for the purpose of setting a trial date no later than one week after the ruling on the dispositive motions.

All other provisions of the prior Scheduling Orders entered in this case (ECF No. 25, ECF No. 28, ECF No. 35, ECF No. 90, ECF No. 184, and ECF 197) not modified above shall remain the same. The parties have submitted herewith a proposed order granting the requested relief.

Respectfully submitted this 6th day of February, 2025.

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of February, 2025, a true and correct copy of the foregoing was served on the following counsel of record via the Court's CM/ECF system:

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